

[PROPOSED AMENDED] Rule 2002-1

NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) ***Notices to Committees.*** Pursuant to Fed. R. Bankr. P. 2002(i), the notices required by Fed. R. Bankr. P. 2002(a)(2), (3) and (6) may be delivered only to the parties on the Local Rule 1007-2 Parties in Interest List. Proof of service for each notice shall be filed with the Court in accordance with the provisions of Local Rule 7005-1.

(b) ***Mailing of Notice.*** The Clerk may require the debtor, the trustee or other party in interest filing a petition, a complaint, an objection or other pleading for which a notice may be required, to provide for the preparation and the mailing of such notice as the Court may designate and to cause to be filed with the Clerk proof of service in accordance with the provisions of Local Rule 7005-1.

(c) ***Return Address Required.*** Notices shall be in such form as may be directed by the Clerk or as may be ordered by the Court. All notices shall bear the return address of the debtor's attorney or debtor if filing *pro se*. Filing Users who have written consent to file and receive documents by electronic means may file and serve notices under Fed. R. Bankr. P. 2002(a) and (d) upon any other Filing User so consented. A Filing User's Proof of Service may also be filed by electronic means with the Court.

(d) ***Notices Generally.*** Notices served by the Clerk are generally mailed by the Bankruptcy Noticing Center ("BNC"). In accordance with 11 U.S.C. § 521 and Fed. R. Bankr. P. 1007, the debtor shall file with the Clerk a list containing the name and address of each creditor for the purpose of providing notice of the bankruptcy filing and other matters to creditors. To ensure and expedite notification of returned creditor notices, envelopes containing all notices and orders generated by the Clerk's office for mailing by the BNC shall bear the return address of the attorney for the debtor or the return address of the debtor if the debtor is acting *pro se*.

(e) ***Returned Notices.*** Upon receipt of a returned notice or order by the attorney for the debtor or by the *pro se* debtor, the attorney for the debtor or the *pro se* debtor shall immediately determine the correct address of the creditor and mail a copy of the returned notice or order to the creditor and shall promptly thereafter file proof of such service with the Clerk. The attorney for the debtor or the *pro se* debtor shall also immediately file with the Clerk a notice of the corrected address for the creditor.

(f) ***Administrative Expense.*** The cost or expense incurred in providing such notices and related services shall be an administrative expense to be paid or reimbursed pursuant to 11 U.S.C. § 503(a). If such cost or expense is consistent with, and not in excess of, a standard schedule of charges approved by the Court, the payment for such cost or expense may be approved by the Clerk without a hearing unless a party in interest shall make a timely request for and provide an appropriate notice of the time and place of the hearing. Any party in interest, upon filing with the Clerk a request for notice pursuant to Fed. R. Bankr. P. 2002(i), shall be placed on the Local Rule 1007-2 Parties in Interest List

and thereafter receive copies of all notices, orders and other pleadings which are served on the parties listed on the Local Rule 1007-2 Parties in Interest List. The request for notices shall be served on the trustee or debtor-in-possession, as appropriate.

(g) ***Timely Service of Orders.*** If the Court directs an attorney for a party to serve an order, it shall be served within three days of its having been entered by the Court and the attorney shall thereafter promptly file a proof of such service in accordance with the provisions of Local Rule 7005-1.

(h) ***Hearings Noticed on First Page of Pleading.*** If a party is authorized by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court to give notice of a hearing or the time in which an objection or request for hearing is required, such notice shall be on the face of the first page of such notice, pleading or other submission.

Notes of Advisory Committee

2011 Amendment

This amendment incorporates archived Administrative FLMB-2003-1 General Order Regarding the Return Address of Notices and Orders Mailed by the Bankruptcy Noticing Center. The addition of headings and subheadings is intended to be a stylistic rather than substantive change.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. This amendment, 2002-1(a), recognizes that the Clerk may more expeditiously give notice to creditors or parties in interest through the Bankruptcy Noticing Center (BNC). For practical purposes, only when the Clerk cannot reasonably process notices through BNC, would the Clerk request the moving party to send notice to creditors or other parties in interest.

This amendment, 2002-1(c), adds a provision permitting Filing Users the ability to complete services of pleadings by electronic means.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.03. Paragraphs (b) through (g) of this rule were formerly paragraphs (b) through (f) and (h) of Local Rule 2.19. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is amended to substitute the term “proof of service” for “certificate of service” as required by amended Rule 2.19(a). The provisions as to the content of the proof and the time for filing the proof are deleted because those subjects are now contained in amended rule 2.19(a).

These amendments were effective on February 15, 1995.